IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION

WRIT PETITION NO.2819 OF 2004

Shri.Mohan Kaka Sawant ..Petitioner

Vs.

Honourable Tahsildar, Vita
and Ors. ..Respondents

...

Mrs.S.S.Gokhale for Petitioner
Mr.A.H.Palekar AGP for Respondent no.1

...

CORAM : B.H.MARLAPALLE,J.

DATE : APRIL 29,2005

P.C.:

1. Heard Mrs.Gokhale, the learned counsel for the Petitioner.

2. The residents of village Dhorale Jadhavwadi in Taluka Khanapur in Sangli District had submitted a written representation to the Tahsildar Khanapur complaining that the path-way from their village to the School located in Gat No.484 was blocked by the Petitioner by putting a fence and the said path-way was under usage for number of years. In reply to the said application, the Petitioner admitted that he had put up a fence but it was quite sometime ago. The Tahsildar heard both the parties and vide his order dated 30.6.2004 the application was allowed by directing the Petitioner to remove the fence and to

clear the path-way as well as the bullock-cart road. Being aggrieved, the Petitioner approached the S.D.O. by way of Revision Application which came to be registered as Revision Application No. 10 of 2004. After hearing the parties concerned including the Petitioner, the Revision Application has been rejected on 20.1.2005. The record also revealed that a path-way passes through pot-kharab land in Gat no.483 and the School is located in Gat no.484 both of which are owned by the Petitioner. The fact finding exercise done by the Tahsildar after visiting the spot has been accepted to be correct by the Sub-Divisional Officer. The concurrent findings cannot be said to be perverse or manifestly erroneous when the Petitioner himself admitted that he had put up a fence. His defence that some other land holders had blocked the road passing through Gat nos.451 and 450 as well as Gat no. 485 and that alternative road was available to them i.e. the applicants, has been rightly turned down. The map annexed to the petition memo at Exh.A itself clearly indicates that the existing path-way from Dhoralewadi and passing through the land in Gat nos.483 and 484 cutting across the road from Khanapur to Lengre.

3. Hence, the petition is rejected summarily.

[B.H.MARLAPALLE,J.]